

deposit into the account all amounts that were obligated by the Secretary of Defense before December 5, 1991, and that remain unexpended for separation pay for foreign nationals referred to in subsection (e).”

1994—Subsecs. (a), (b). Pub. L. 103-337, §346(1), substituted “foreign nationals referred to in subsection (e)” for “foreign national employees of the Department of Defense” wherever appearing.

Subsec. (e). Pub. L. 103-337, §346(2), added subsec. (e) and struck out former subsec. (e) which read as follows: “EMPLOYEES COVERED.—This section applies only with respect to separation pay of foreign nationals employed by the Department of Defense under any of the following agreements that provide for payment of separation pay:

“(1) A contract.

“(2) A treaty.

“(3) A memorandum of understanding with a foreign nation.”

1992—Subsec. (b)(1), (2). Pub. L. 102-484 substituted “December 5, 1991,” for “the date of the enactment of this section”.

§ 1582. Assistive technology, assistive technology devices, and assistive technology services

(a) AUTHORITY.—The Secretary of Defense may provide assistive technology, assistive technology devices, and assistive technology services to the following:

(1) Department of Defense employees with disabilities.

(2) Organizations within the Department that have requirements to make programs or facilities accessible to, and usable by, persons with disabilities.

(3) Any other department or agency of the Federal Government, upon the request of the head of that department or agency, for its employees with disabilities or for satisfying a requirement to make its programs or facilities accessible to, and usable by, persons with disabilities.

(b) DEFINITIONS.—In this section, the terms “assistive technology”, “assistive technology device”, “assistive technology service”, and “disability” have the meanings given those terms in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).

(Added Pub. L. 106-398, §1 [[div. A], title XI, §1102(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-311.)

PRIOR PROVISIONS

A prior section 1582, acts Aug. 10, 1956, ch. 1041, 70A Stat. 118; Sept. 2, 1958, Pub. L. 85-861, §1(35), 72 Stat. 1456; Sept. 23, 1959, Pub. L. 86-377, §3, 73 Stat. 701, directed Secretary of Defense to report annually to Congress on civilian research and development personnel employed by Department of Defense under former section 1581 of this title, prior to repeal by Pub. L. 97-295, §1(19)(A), Oct. 12, 1982, 96 Stat. 1290.

§ 1583. Employment of certain persons without pay

The Secretary of Defense and the Secretaries of the military departments may each employ, without pay, not more than 10 persons of outstanding experience and ability. However, a person so employed may be allowed transportation, and not more than \$15 a day instead of subsistence, while away from his home or regular place of business pursuant to employment under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 118; Pub. L. 89-718, §14, Nov. 2, 1966, 80 Stat. 1117; Pub. L.

97-295, §1(20)(A), (B), Oct. 12, 1982, 96 Stat. 1290; Pub. L. 112-81, div. A, title XI, §1111, Dec. 31, 2011, 125 Stat. 1616.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1583(a)	5:171v (less words of 1st sentence after semicolon).	Jan. 6, 1951, ch. 1213, subch. VII, §704, 64 Stat. 1235.
1583(b)	5:171v (words of 1st sentence after semicolon).	

AMENDMENTS

2011—Pub. L. 112-81, §1111(2), inserted “each” after “may” in first sentence.

Pub. L. 112-81, §1111(1), which directed amendment of first sentence by inserting “and the Secretaries of the military departments” after “the Secretary of Defense”, was executed by making the insertion after “The Secretary of Defense” to reflect the probable intent of Congress.

1982—Pub. L. 97-295 substituted “pay” for “compensation” in section catchline and text.

1966—Pub. L. 89-718 struck out designation “(a)” at beginning of section and repealed subsec. (b) which authorized the Secretary, by regulation, to exempt persons employed under provisions formerly designated subsec. (a) from former sections 281, 283, 284, 434, and 1914 of title 18 and former section 99 of title 5.

§ 1584. Employment of non-citizens

Laws prohibiting the employment of, or payment of pay or expenses to, a person who is not a citizen of the United States do not apply to personnel of the Department of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 118; Pub. L. 97-295, §1(20)(A), Oct. 12, 1982, 96 Stat. 1290; Pub. L. 101-510, div. A, title XIV, §§1481(d)(1), (2), 1482(b), Nov. 5, 1990, 104 Stat. 1706, 1709; Pub. L. 104-106, div. A, title X, §1062(b), Feb. 10, 1996, 110 Stat. 444.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1584	5:235c. 5:475h. 5:628c.	July 16, 1952, ch. 882, §2, 66 Stat. 725.

The words “appointment or” are omitted as surplusage.

AMENDMENTS

1996—Pub. L. 104-106 struck out subsec. (a) heading “Waiver of employment restrictions for certain personnel”, designated subsec. (a) as entire section, and struck out subsec. (b) which read as follows: “NOTICE TO CONGRESS OF CERTAIN SALARY INCREASES.—The Secretary of Defense shall notify the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives when any salary increase granted to direct and indirect hire foreign national employees of the Department of Defense overseas, stated as a percentage, is greater than the higher of the following percentages:

“(1) The percentage pay increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5.

“(2) The percentage increase provided to national government employees of the host nation.”

1990—Pub. L. 101-510, §1482(b), substituted “personnel of the Department of Defense” for “any expert, scientist, technician, or professional person whose employment in connection with the research and develop-

ment activities of a military department is determined to be necessary by the Secretary of that department” in subsec. (a).

Pub. L. 101-510, §1481(d)(1), (2), substituted “Employment of non-citizens” for “Laws relating to employment of non-citizens: not applicable to research and development activities” in section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsec. (b).

1982—Pub. L. 97-295 substituted “pay” for “compensation”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1482(b) of Pub. L. 101-510 effective Oct. 1, 1991, see section 1482(d) of Pub. L. 101-510, set out as a note under section 119 of this title.

CITIZENSHIP REQUIREMENT NOT APPLICABLE

Pub. L. 113-6, div. C, title VIII, §8002, Mar. 26, 2013, 127 Stat. 295, provided that: “During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act [div. C of Pub. L. 113-6, see Tables for classification] shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.]: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 112-74, div. A, title VIII, §8002, Dec. 23, 2011, 125 Stat. 804.

Pub. L. 112-10, div. A, title VIII, §8002, Apr. 15, 2011, 125 Stat. 55.

Pub. L. 111-118, div. A, title VIII, §8002, Dec. 19, 2009, 123 Stat. 3426.

Pub. L. 110-329, div. C, title VIII, §8002, Sept. 30, 2008, 122 Stat. 3619.

Pub. L. 110-116, div. A, title VIII, §8002, Nov. 13, 2007, 121 Stat. 1313.

Pub. L. 109-289, div. A, title VIII, §8002, Sept. 29, 2006, 120 Stat. 1271.

Pub. L. 109-148, div. A, title VIII, §8002, Dec. 30, 2005, 119 Stat. 2697.

Pub. L. 108-287, title VIII, §8002, Aug. 5, 2004, 118 Stat. 968.

Pub. L. 108-87, title VIII, §8002, Sept. 30, 2003, 117 Stat. 1071.

Pub. L. 107-248, title VIII, §8002, Oct. 23, 2002, 116 Stat. 1536.

Pub. L. 107-117, div. A, title VIII, §8002, Jan. 10, 2002, 115 Stat. 2247.

Pub. L. 106-259, title VIII, §8002, Aug. 9, 2000, 114 Stat. 674.

Pub. L. 106-79, title VIII, §8002, Oct. 25, 1999, 113 Stat. 1230.

Pub. L. 105-262, title VIII, §8002, Oct. 17, 1998, 112 Stat. 2296.

Pub. L. 105-56, title VIII, §8002, Oct. 8, 1997, 111 Stat. 1219.

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8002], Sept. 30, 1996, 110 Stat. 3009-71, 3009-87.

Pub. L. 104-61, title VIII, §8002, Dec. 1, 1995, 109 Stat. 651.

Pub. L. 103-335, title VIII, §8002, Sept. 30, 1994, 108 Stat. 2616.

Pub. L. 103-139, title VIII, §8002, Nov. 11, 1993, 107 Stat. 1437.

Pub. L. 102-396, title IX, §9002, Oct. 6, 1992, 106 Stat. 1900.

Pub. L. 102-172, title VIII, §8002, Nov. 26, 1991, 105 Stat. 1170.

Pub. L. 101-511, title VIII, §8002, Nov. 5, 1990, 104 Stat. 1873.

Pub. L. 101-165, title IX, §9003, Nov. 21, 1989, 103 Stat. 1129.

Pub. L. 100-463, title VIII, §8003, Oct. 1, 1988, 102 Stat. 2270-17.

Pub. L. 100-202, §101(b) [title VIII, §8004], Dec. 22, 1987, 101 Stat. 1329-43, 1329-62.

Pub. L. 99-500, §101(c) [title IX, §9004], Oct. 18, 1986, 100 Stat. 1783-82, 1783-101, and Pub. L. 99-591, §101(c) [title IX, §9004], Oct. 30, 1986, 100 Stat. 3341-82, 3341-101.

Pub. L. 99-190, §101(b) [title VIII, §8004], Dec. 19, 1985, 99 Stat. 1185, 1202.

Pub. L. 98-473, title I, §101(h) [title VIII, §8004], Oct. 12, 1984, 98 Stat. 1904, 1922.

Pub. L. 98-212, title VII, §704, Dec. 8, 1983, 97 Stat. 1437.

Pub. L. 97-377, title I, §101(c) [title VII, §704], Dec. 21, 1982, 96 Stat. 1833, 1349.

Pub. L. 97-114, title VII, §704, Dec. 29, 1981, 95 Stat. 1578.

Pub. L. 96-527, title VII, §704, Dec. 15, 1980, 94 Stat. 3080.

Pub. L. 96-154, title VII, §704, Dec. 21, 1979, 93 Stat. 1152.

Pub. L. 95-457, title VIII, §804, Oct. 13, 1978, 92 Stat. 1243.

Pub. L. 95-111, title VIII, §803, Sept. 21, 1977, 91 Stat. 899.

Pub. L. 94-419, title VII, §703, Sept. 22, 1976, 90 Stat. 1290.

Pub. L. 94-212, title VII, §703, Feb. 9, 1976, 90 Stat. 168.

Pub. L. 93-437, title VIII, §803, Oct. 8, 1974, 88 Stat. 1224.

Pub. L. 93-238, title VII, §703, Jan. 2, 1974, 87 Stat. 1038.

Pub. L. 92-570, title VII, §703, Oct. 26, 1972, 86 Stat. 1196.

Pub. L. 92-204, title VII, §703, Dec. 18, 1971, 85 Stat. 726.

Pub. L. 91-668, title VIII, §803, Jan. 11, 1971, 84 Stat. 2029.

Pub. L. 91-171, title VI, §603, Dec. 29, 1969, 83 Stat. 479.

Pub. L. 90-580, title V, §502, Oct. 17, 1968, 82 Stat. 1129.

Pub. L. 90-96, title VI, §602, Sept. 29, 1967, 81 Stat. 241.

Pub. L. 89-687, title VI, §602, Oct. 15, 1966, 80 Stat. 990.

Pub. L. 89-213, title VI, §602, Sept. 29, 1965, 79 Stat. 873.

Pub. L. 88-446, title V, §502, Aug. 19, 1964, 78 Stat. 474.

Pub. L. 88-149, title V, §502, Oct. 17, 1963, 77 Stat. 263.

Pub. L. 87-577, title V, §502, Aug. 9, 1962, 76 Stat. 327.

Pub. L. 87-144, title VI, §602, Aug. 17, 1961, 75 Stat. 375.

Pub. L. 86-601, title V, §502, July 7, 1960, 74 Stat. 349.

Pub. L. 86-166, title V, §602, Aug. 18, 1959, 73 Stat. 378.

Pub. L. 85-724, title VI, §602, Aug. 22, 1958, 72 Stat. 723.

Pub. L. 85-117, title VI, §602, Aug. 2, 1957, 71 Stat. 323.

July 2, 1956, ch. 488, title VI, §602, 70 Stat. 467.

July 13, 1955, ch. 358, title VI, §603, 69 Stat. 314.

June 30, 1954, ch. 432, title VII, §703, 68 Stat. 349.

Aug. 1, 1953, ch. 305, title VI, §603, 67 Stat. 349.

July 10, 1952, ch. 630, title VI, §603, 66 Stat. 531.

Oct. 18, 1951, ch. 512, title VI, §603, 65 Stat. 444.

Sept. 6, 1950, ch. 896, Ch. X, title VI, §603, 64 Stat. 752.

Oct. 29, 1949, ch. 787, title VI, §603, 63 Stat. 1017.

June 24, 1948, ch. 632, 62 Stat. 651.

July 30, 1947, ch. 357, title I, §1, 61 Stat. 553.

July 16, 1946, ch. 583, §1, 60 Stat. 543.

July 28, 1945, ch. 265, §1, 59 Stat. 386.

June 28, 1944, ch. 303, §1, 58 Stat. 575.

July 1, 1943, ch. 185, §1, 57 Stat. 349.

July 2, 1942, ch. 477, §1, 56 Stat. 613.

SALARY INCREASES TO FOREIGN NATIONAL EMPLOYEES; NOTICE TO CONGRESS

Pub. L. 100-463, title VIII, §8114, Oct. 1, 1988, 102 Stat. 2270-38, which directed Secretary of Defense to notify

House and Senate Committees on Appropriations when salary increases granted to foreign national employees were at a rate in excess of the percentage pay increase authorized by law for civilian employees of Department of Defense whose pay was computed under section 5332 of title 5 or at a rate in excess of the percentage increase provided to National Government employees of the host nation, whichever was higher, was repealed and restated in subsec. (b) of this section by Pub. L. 101-510, §1481(d)(1)(B), (4)(A).

§ 1585. Carrying of firearms

Under regulations to be prescribed by the Secretary of Defense, civilian officers and employees of the Department of Defense may carry firearms or other appropriate weapons while assigned investigative duties or such other duties as the Secretary may prescribe.

(Added Pub. L. 85-577, §1(1), July 31, 1958, 72 Stat. 455.)

§ 1585a. Special agents of the Defense Criminal Investigative Service: authority to execute warrants and make arrests

(a) AUTHORITY.—The Secretary of Defense may authorize any DCIS special agent described in subsection (b)—

(1) to execute and serve any warrant or other process issued under the authority of the United States; and

(2) to make arrests without a warrant—

(A) for any offense against the United States committed in the presence of that agent; and

(B) for any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any DCIS special agent whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of Defense.

(c) GUIDELINES ON EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Inspector General of the Department of Defense and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary of Defense or the Attorney General.

(d) DCIS SPECIAL AGENT DEFINED.—In this section, the term “DCIS special agent” means an employee of the Department of Defense who is a special agent of the Defense Criminal Investigative Service (or any successor to that service).

(Added Pub. L. 105-85, div. A, title X, §1071(a), Nov. 18, 1997, 111 Stat. 1897.)

§ 1586. Rotation of career-conditional and career employees assigned to duty outside the United States

(a) In order to advance the programs and activities of the Defense Establishment, it is hereby declared to be the policy of the Congress to facilitate the interchange of civilian employees of the Defense Establishment between posts of duty in the United States and posts of duty out-

side the United States through the establishment and operation of programs for the rotation, to the extent consistent with the missions of the Defense Establishment and sound principles of administration, of such employees who are assigned to duty outside the United States.

(b) Notwithstanding any other provision of law, the Secretary of Defense with respect to civilian employees of the Department of Defense other than employees of a military department, and the Secretary of each military department with respect to civilian employees of such military department, may, under such regulations as each such Secretary may prescribe with respect to the employees concerned and in accordance with the policy and other provisions of this section, establish and operate programs of rotation which provide for the granting of the right to return to a position in the United States to each civilian employee in the department concerned—

(1) who, while serving under a career-conditional or career appointment in the competitive civil service, is assigned at the request of the department concerned to duty outside the United States,

(2) who satisfactorily completes such duty, and

(3) who applies, not later than 30 days after his completion of such duty, for the right to return to a position in the United States as provided by subsection (c).

The Secretary of the department concerned may provide by regulation for the waiver of the provisions of paragraphs (2) and (3), or of either of such paragraphs, in those cases in which the application of such paragraphs, or either of them, would be against equity and good conscience or against the public interest.

(c) The right to return to a position in the United States granted under this section shall be without reduction in the seniority, status, and tenure held by the employee immediately before his assignment to duty outside the United States and the employee shall be placed, not later than 30 days after the date on which he is determined to be immediately available to exercise such right in accordance with the following provisions:

(1) The employee shall be placed in the position which he held immediately before his assignment to duty outside the United States, if such position exists.

(2) If such position does not exist, or with his consent, the employee shall be placed in a vacant existing position, or in a new continuing position, for which he is qualified, available for the purposes of this section in the department concerned, in the same geographical area as, with rights and benefits equal to the rights and benefits of, and in a grade equal to the grade of, the position which he held immediately before his assignment to duty outside the United States.

(3) If the positions described in paragraph (1) and paragraph (2) do not exist, the employee shall be placed in an additional position which shall be established by the department concerned for a period not in excess of 90 days in order to carry out the purposes of this section. Such additional position shall be in the same